

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wurtzel	Team: Squad #6	CCRB Case #: 201710667	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/24/2017 4:15 PM	Location of Incident: Van Wyck Expressway and Linden Boulevard	Precinct: 113	18 Mo. SOL 6/24/2019	EO SOL 6/24/2019	
Date/Time CV Reported Sun, 12/24/2017 4:39 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 12/24/2017 4:39 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Yevgeniy Zaytsev	12848	949825	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Procida	12633	961124	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Yevgeniy Zaytsev	Discourtesy: Police Officer Yevgeniy Zaytsev spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On December 24, 2017, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On December 24, 2017, at approximately 4:05 PM, § 87(2)(b) drove to the location of a vehicle accident involving his friend, § 87(2)(b) on the Van Wyck Expressway by the Linden Boulevard exit in Queens. Police Officers Yevgeniy Zaystev and Michael Procida of the 113th Precinct arrived at the location. Police Officer Zaystev allegedly told § 87(2)(b) to “get the fuck out of here,” and allegedly told him to “fucking leave.” PO Zaystev allegedly stated, “I’m not your fucking bro,” and told § 87(2)(b) he could leave the accident location because he was “fucking here,” (**Allegation (A) Discourtesy** – § 87(2)(g)). § 87(2)(b) was arrested or issued any summonses.

No video was obtained for this incident.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Yevgeniy Zaytsev spoke discourteously to

§ 87(2)(b)

§ 87(2)(g)

(**Board Review 01-02**). § 87(2)(b) was standing with his friend, § 87(2)(b) and her sister, § 87(2)(b) when Police Officers Zaystev and Procida arrived to inspect the damage to her vehicle and to the vehicle of § 87(2)(b) who was also involved in the accident.

After determining that § 87(2)(b) had not been involved in the accident, Police Officer Zaystev allegedly told him to, “Get the fuck out of here,” and “fucking leave.” § 87(2)(b) stated that he and Police Officer Zaystev were standing close together and that he referred to Police Officer Zaystev as “bro” while they spoke. Police Officer Zaystev allegedly said, “I’m not your fucking bro,” multiple times. § 87(2)(b) stated that he and the officer were standing inches apart.

§ 87(2)(b) stated that he did not observe officers speak profanely to § 87(2)(b) but stated that he departed the location while Police Officer Zaystev was still speaking with him. § 87(2)(b)

§ 87(2)(b) stated that Police Officer Zaystev’s tone was rude (**Board Review 10**). § 87(2)(b) account of this incident was consistent with § 87(2)(b)s – specifically regarding the use of profanity and the expletive “fuck.” § 87(2)(b) stated that Police Officer Zaystev objected to § 87(2)(b) referring to him as “brother” and that the two men were standing inches apart (**Board Review 03**). § 87(2)(b) could not recall the specific language used by Police Officer Zaystev but stated that that his general demeanor and attitude stood out to her as being rude and abrasive (**Board Review 04**).

Police Officer Zaystev stated that § 87(2)(b) was reluctant to leave the location and had to be asked to leave multiple times. Police Officer Zaystev denied making the above remarks or using profanity. Police Officer Zaystev stated that Police Officer Procida was standing multiple car lengths away with § 87(2)(b) and his family during this confrontation and could not hear what was being said (**Board Review 05**). Police Officer Procida corroborated this account of the incident (**Board Review 06**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) is involved in one prior case with the CCRB (**Board Review 07**).
 - § 87(2)(b)
- Police Officer Zaystev has been a member of the NYPD for seven years and has had 21 allegations within 11 cases with one substantiated allegation filed against him. Police Officer Zaystev has had five prior allegations of discourtesy filed against him (**Board Review 08**).
 - In CCRB case number 201411788, Police Officer Zaystev conducted an improper vehicle stop. He received an APU disposition of ‘not guilty’ and received no penalty.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation for this case, § 87(2)(b)
- A Notice of Claim inquiry has been sent to the New York City Comptroller’s Office and will be added to the case file upon receipt.
- § 87(2)(b)

Squad No.: 6

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date